

REMARKS

This is intended as a full and complete response to the Office Action dated February 26, 2004, having a shortened statutory period for response set to expire on May 26, 2004. Claim 15 has been allowed. Claims 5, 13 and 21 have been rewritten in independent form to include the limitations of the base claim and all intervening claims. Claims 1-2 and 6 have been amended to more clearly recite aspects of the invention. Applicant believes no new matter has been introduced by the amendments and the new claims presented herein. The amendments have been made in a good faith effort to advance prosecution on the merits. Claim 4 has been cancelled without prejudice. Applicant reserves the right to subsequently take up prosecution of the claims as originally filed in this application in a continuation, a continuation-in-part and/or a divisional application. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-4, 7-9, 11-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,166,801 (*Dishon*). *Dishon* is generally directed to a method and apparatus for inspecting semiconductor wafers according to photolithography process. However, *Dishon* does not teach or disclose determining whether process data readings from an optical inspection system exceed a predetermined value; and if the process data readings exceed the predetermined value, determining that an unacceptable topographical condition exists on the substrate. Rather, *Dishon* merely proposes post processing upon completion of coarse or fine inspection. During post processing, the data can be evaluated and reported at different levels, which are specified as a) numbers and coordinates of defects detected on the wafer, (b) coordinates and defects dimensions, or (c) coordinates and defects identification, or (d) morphological defects analysis, e.g., according to local and/or overall wafer distribution, such as radial distribution which may indicate poor spinning during coating. The post processing additionally includes photographing certain defects for an additional processing, attributing automatically defects to a certain problem source, and reviewing options for correcting the defects. Notably, none of these post processing evaluations teaches or discloses determining whether process data readings

from an optical inspection system exceed a predetermined value; and if the process data readings exceed the predetermined value, determining that an unacceptable topographical condition exists on the substrate. Accordingly, claim 1 is patentable over *Dishon*. Claims 2-3 and 5-6 are also patentable over *Dishon* because they depend from claim 1.

Likewise, *Dishon* does not teach or disclose a controller system configured to cause execution of one of a plurality of subsequent substrate handling steps in response to a topographical condition, wherein a first substrate handling step comprises transferring the substrate to the inspection platform for further optical inspection. *Dishon* merely proposes photographing certain defects for an additional processing, attributing automatically defects to a certain problem source, and reviewing options for correcting the defects. Accordingly, claim 7 is patentable over *Dishon*. Claims 8-12 are also patentable over *Dishon* because they depend from claim 7.

Claims 6, 10, 14 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,166,801 (*Dishon*).

With respect to claim 6, *Dishon* fails to teach or disclose determining whether process data readings from an optical inspection system exceed a predetermined value; and if the process data readings exceed the predetermined value, determining that an unacceptable topographical condition exists on the substrate, as recited in claim 1. Furthermore, there is no suggestion discerned in *Dishon* of modifying the devices or methods disclosed therein in the direction of the present invention, nor does there appear to be any suggestion of the desirability of such modifications. Since claim 6 depends from claim 1 and since *Dishon* fails to teach or disclose all of the limitations of claim 1, claim 6 is therefore also patentable over *Dishon*.

With respect to claim 10, *Dishon* fails to teach or disclose a controller system configured to cause execution of one of a plurality of subsequent substrate handling steps in response to a topographical condition, wherein a first substrate handling step comprises transferring the substrate to the inspection platform for further optical inspection, as recited in claim 7. Furthermore, there is no suggestion discerned in *Dishon* of modifying the devices or methods disclosed therein in the direction of the

present invention, nor does there appear to be any suggestion of the desirability of such modifications. Since claim 10 depends from claim 7 and since *Dishon* fails to teach or disclose all of the limitations of claim 7, claim 10 is therefore also patentable over *Dishon*.

With respect to claim 14, *Dishon* fails to teach or disclose a controller system configured to cause execution of one of a plurality of subsequent substrate handling steps in response to a topographical condition, wherein a first substrate handling step comprises transferring the substrate to the inspection platform for further optical inspection. Furthermore, there is no suggestion discerned in *Dishon* of modifying the devices or methods disclosed therein in the direction of the present invention, nor does there appear to be any suggestion of the desirability of such modifications. Therefore, claim 14 is patentable over *Dishon*. Claims 16-20 are also patentable over *Dishon* because they depend from claim 14.

Claim 15 is allowable. Claims 5, 13 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Claims 5, 13 and 21 have been amended to include all of the limitations of the base claims and any intervening claims. Accordingly, claims 5, 13 and 21 are in condition for allowance.

In conclusion, the references cited by the Examiner, neither alone nor in combination, teach, show, or suggest the claimed method or apparatus. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,


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